

UNITED STATES PATENT AND TRADEMARK OFFICE**Examiner:** Legesse, N.**Art Unit:** 3711**In re:****Applicant:** PEEK, I.**Serial No.:** 10/762,413**Filed:** January 22, 2004**DECLARATION OF UNOBVIOUSNESS**

March 28, 2005

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia

Sir:

I, Yan PEEK, hereby declare that I reside at Roemerstrasse
22/1, 72488 Sigmaringen, Germany and that I am the inventor of invention
GOLF TRAINING APPARATUS as disclosed in U.S. patent application serial
no. 10/762,413, filed on January 22, 2004.

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I am a golf instructor. I have been providing instructions for golf players for many years, and I have extensive experience and expertise in this particular area.

I am familiar with U.S. patent application serial no. 10/762,413 which discloses my invention and with the claims in this application which define my invention. I also familiarized myself with the references applied by the Examiner against the claims of the present application.

With respect to the Examiner's rejection of the claims over the patent to Hesselbart, I respectfully submit that as a golf instructor I know firsthand the danger which training-aides such as Hesselbart's bring to the golfer through the proximity with which the golfer must stand to the apparatus while swinging the golf club. One can clearly see in Figure 1 of the Hesselbart's patent how close the golfer is standing to the apparatus. The extension (element 15 in Figure 1 of my patent application) in accordance with my invention has been specifically designed so as to provide a safe distance from the upright rack of the apparatus.

While viewing the Hesselbart's patent, one can see that the rack (element 22) is positioned to the side of the golfer, and therefore very

close to the intended swing path. Because of the T-like structure of the extension 15 and the rod 16 of the golf training apparatus of my invention one can clearly see that the rack and the base 12 of my golf training apparatus are in front or opposite the user and are much further away from the intended swing path of the golf club.

In my opinion the patent to Hesselbart does not disclose the new features of the present invention as defined in claim 1, in particular the golf training apparatus with an extension which is connected to the rod and to the rack and extends between the rod and the rack to hold the rod at the distance to the rack. The block 88 in the patent to Hesselbart just connects the vertical rack and the horizontal rod with one another does not provide any distance between them in a horizontal direction, but just a mounting tolerance between them.

The other references also do not teach the new features of my invention as defined in claim 1.

Claim 11 as well as claims 4 and 5 define other important features of the present invention. It has long been accepted in sports that muscle memory exists. In other words when one performs a certain physical

activity often enough the muscles of the body will learn and ingrain this movement, so that it may be reproduced automatically.

The inflatable extension 15 of my invention is positioned to create a clearly defined barrier or "no-go" zone for the golf club during hit.. If a golfer swings into the "no-zone" during the playing of a shot, the golfer receives a strong but harmless feedback through the club striking the inflatable extension. Thus, the user can physically train a correct muscle memory with my invention. The rod 78 of the Hesselbart invention through its rigidity does not allow this training possibility.

The additional advantage of the inflatable elements 15 and 16 of my training apparatus is that the user may deliberately position the inflatable elements 15 and 16 at a point which lies on the path of the correct or "desired" swing. This application of my golf training apparatus is one therefore when the users club should strike the inflatable element during the swing. This physical feedback of "club-striking-inflatable element" allows the user to develop feel for the correct swing. The inflatable elements 15 and 16 of my golf training apparatus may be struck repetitively with no danger to user or to the apparatus.

This use of the apparatus can be compared for example to a situation when a boxer hits a precise spot on a punch-back repetitively during training to clone the accuracy of his punching, or to shooting hoops on the basketball court by striking the backboard of the hoop while shooting gives the basketball player a visual and oral feedback for the correct shooting action required.

The patents to Hesselbart and Tarulli applied by the Examiner do not disclose the features of claims 4, 5 and 11. The patents to McKinnley, Shute, and Elson belong to totally different fields, in particular to an inflatable toy, which is attractive for assisting the user in obtaining a right, to an inflatable toy football goal post, and to a valve for inflating inflatable articles. As a golf instructor, I hereby declare that the person of ordinary skill in the art of golf training, either a golf instructor or a golf user, would never look into these patents for any solutions. In any event, none of them disclose the new features of the present invention as defined in claims 4, 5 and 11, as well as in claim 1.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with

the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I. PEEK

Dated

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